

THE LAW OFFICE OF

ELISA HYMAN, P.C.

June 8, 2021

Via ECF

Hon. Lorna G. Schofield, United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *M.B. obo M.B.1 v. NYC Dep't of Educ., et al.*, No. 21-cv-2203 (LGS)

Dear Judge Schofield:

I represent the Plaintiffs in the above-referenced case and am writing on behalf of both parties, requesting an adjournment of the initial conference and a corresponding extension of time to submit a Case Management Plan and the joint letter, due June 10, 2021, Docket Entry 12. Currently, the initial conference is set for June 17, 2021. Docket Entry 15. This is the parties' second request for an adjournment of the initial conference. Defendants originally requested and were granted an extension of time to answer and Your Honor then adjourned the initial conference. Docket Entries 14, 15.

Plaintiff M.B. is the parent of M.B.1, a 15-year-old young girl with learning disabilities. Plaintiffs' complaint against the New York City Department of Education ("DOE"), Chancellor Richard Carranza¹ and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") raises a number of individual and systemic claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, *et seq.*, the Due Process Clause of the 14th Amendment of the U.S. Constitution, 42 U.S.C. § 1983, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"), the New York State Constitution, and New York State Education Law concerning Plaintiff M.B.1's education over several school years. Plaintiffs allege, *inter alia*, that Defendants failed to implement orders of administrative hearing officers during this time frame and, as a result, Plaintiffs are owed compensatory education and services and outstanding reimbursements.

The reason for the requested adjournment and extension of time is that the parties would like to engage in informal settlement discussions before conducting discovery and involving the Court. In order to engage in settlement, however, Plaintiffs will be seeking an accounting of services that Defendants actually provided and funded over the years, pursuant to the administrative orders. Defendants will provide the accounting no later than July 9, 2021. The parties respectfully request an additional two weeks from the accounting to discuss settlement. The parties are optimistic that this case could be resolved through settlement, as many of our cases have successfully done so.

¹ Chancellor Meisha Porter is automatically substituted for former Chancellor Richard Carranza, who was named in his official capacity, pursuant to Federal Rule of Civil Procedure 25(d). The parties respectfully request the Clerk of the Court to update the docket accordingly.

The parties propose submitting a status letter no later than July 23, 2021, reporting on the status of settlement and the proposed course of action for this matter.² As indicated in the beginning of the letter, the parties jointly and respectfully request the adjournment and extension of time. Thank you for Your Honor's attention to this matter.

Respectfully submitted,

Erin O'Connor

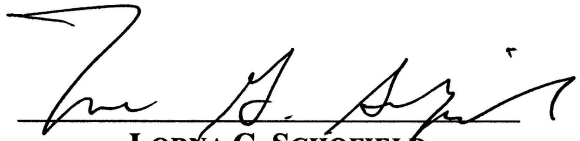
Erin O'Connor, Of Counsel
The Law Office of Elisa Hyman, P.C.
Counsel for Plaintiffs

cc: Brian Krist, Counsel for Defendants

The parties' application is GRANTED. The initial pre-trial conference scheduled for June 17, 2021, and corresponding deadlines to submit a joint letter and proposed Case Management Plan are adjourned *sine die*. The parties shall submit a status letter by **July 23, 2021**, reporting on the status of settlement and the proposed course of action for this matter, including the parties' beliefs about the need for discovery.

The Clerk of Court is respectfully directed to substitute Defendant Chancellor Richard Carranza with Chancellor Meisha Porter per Federal Rule of Civil Procedure 25(d).

Dated: June 9, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

² If the parties do not think settlement is likely and instead intend to litigate the claims, the parties anticipate a dispute about whether discovery is necessary in this case and a Court conference might be more useful at that time.